

FISH & RICHARDSON P.C.

1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005

Telephone 202 783-5070

Facsimile 202 783-2331

Web Site www.fr.com

Cherylyn Esoy Mizzo 202 626-7748

Email mizzo@fr.com

Frederick P. Fish 1855-1930

W.K. Richardson 1859-1951 VIA ELECTRONIC MAIL

September 5, 2012

Timothy E. Grochocinski InnovaLaw, P.C. 1900 Ravinia Place Orland Park, Illinois 60462 314-853-8146

Re: Virtual Solutions, LLC v. Microsoft Corporation, Civ. No. 12-1118 (SAS), Southern District of New York

ATLANTA

ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Tim,

Enclosed please find Microsoft's Proposed Claim Constructions.

Regarding your email of Saturday, September 2, 2012, we object to the addition of the "whereby a virtual actor reacts and interacts, in real-time, with visitors depending on the visitors' actions and evolution of said actions" term as untimely, since this term should have been disclosed on August 8, i.e., the date the court ordered the parties to exchange claim terms for construction. Moreover, you do not identify any good cause for the untimely identification of this term.

Without waiving our objections, however, we will provide you our proposed construction next week, given the fact that your email over the holiday weekend left us with one business day to consider this new term. We expect you to provide Virtual Solutions's construction of this term today with your other proposed constructions so as not to exasperate the prejudice your untimely identification of this term has caused.

Very truly yours,

s/ Cherylyn Esoy Mizzo

Cherylyn Esoy Mizzo